

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

CIVIL ACTION NO. 04-11934-GAO

| | |
|-------------------|---|
| NOAH GREENBERG |) |
| Plaintiff |) |
| |) |
| v. |) |
| |) |
| TOWN OF FALMOUTH, |) |
| AND GANNETT |) |
| FLEMING, INC., |) |
| Defendants |) |
| |) |
| v. |) |
| |) |
| TOWN OF FALMOUTH, |) |
| Third-Party |) |
| <u>Defendant</u> |) |

**PROPOSED AGREED-ON PRETRIAL SCHEDULE
AND AGENDA FOR SCHEDULING CONFERENCE**

The parties having conferred pursuant to Fed.R.Civ.P. 26(f), hereby submit the following proposed Pretrial Schedule and Agenda for Scheduling Conference, pursuant to Fed.R.Civ.P. 26(f) and U.S. District Court Local Rule 16.1. The Scheduling Conference in this case is currently scheduled for 2:00 p.m. on 7/19/05.

1. Pre-discovery disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be made by 7/1/05.
2. The parties agree to the following discovery limits:
 - A. Fact discovery shall be completed by 11/30/05.
 - B. Maximum of 25 interrogatories by each party.
 - C. Maximum of 25 requests for admission by each party.
 - D. Maximum of 10 depositions by each party.

- E. Each deposition shall be limited to a maximum of 7 hours unless extended by agreement of parties.
- F. Two sets of requests for production of documents by each party.
- 3. Motions for joinder of additional parties and amendment of pleadings shall be made by 9/30/05.
- 4. Plaintiff shall identify experts and comply with Rule 26(a)(2) by 9/30/05.
- 5. Defendants shall identify experts and comply with Rule 26(a)(2) by 11/15/05.
- 6. Expert depositions shall be completed by 1/6/06.
- 7. Dispositive motions shall be filed by 1/16/06.
- 8. Oppositions to dispositive motions shall be filed by 2/16/06.
- 9. The parties would like a settlement conference, or a possible mediation date per Local Rule 16.4(C)(4), on or by 2/28/06.
- 10. The parties would like a final pretrial conference in March 2006.
- 11. Deadline for final list of witnesses and exhibits under Rule 26(a)(3) shall be determined at the Pretrial Conference.
- 12. The parties shall have 14 days after service of the final list of witnesses and exhibits to list objections under Rule 26(a)(3).
- 13. The case should be ready for trial by April 2006.

Proposed Agenda to be Discussed at Scheduling Conference

The above litigation schedule.

Whether the parties will consent to trial by a Magistrate Judge.

Whether the parties will consider Alternative Dispute Resolution.


Certifications

The undersigned counsel for the parties hereby certify that they have complied with their respective obligations under Local Rule 16.1(D)(3) concerning conferring with their clients with a view towards establishing a budget for the costs of conducting the full course of the litigation and considering the possibility of resolving the litigation through Alternative Dispute Resolution programs.

The Plaintiff


Noah Greenberg

The Plaintiff's Attorneys


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Defendant Gannett Fleming, Inc.



Name: Barbara R. McLemore
Title: General Counsel

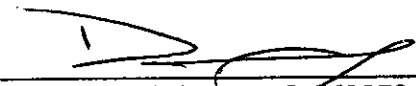
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Defendant Town of Falmouth

Name: _____
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Town of Falmouth's Attorney


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